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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MICHAEL ALLAN BLACK,)	
Petitioner,)	N 424 00007 GED
V.)	No. 4:24-cv-00897-SEP
DORIS FALKENRATH,)	
Respondent.)	

MEMORANDUM AND ORDER

Before the Court is Petitioner Michael Allan Black's Motion for the Appointment of Counsel, Doc. [3]. For the reasons set forth below, the motion is denied.

There is no constitutional right to appointed counsel in a habeas action. See 28 U.S.C. § 2254(h) (providing that "the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel"); see also Hoggard v. Purkett, 29 F.3d 469, 471 (8th Cir. 1994) ("Never has it been held that there is a constitutional right to counsel in a habeas action."). A court may appoint counsel to represent a financially eligible habeas petitioner if the court determines that the "interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B); see also 28 U.S.C. § 2254(h). "The interests of justice require the court to appoint counsel when the district court conducts an evidentiary hearing on the petition." Hoggard, 29 F.3d at 471; see Rule 8(c), Rules Governing Section 2254 Cases in the United States District Courts. Otherwise, the appointment of counsel is discretionary. Hoggard, 29 F.3d at 471. "In exercising its discretion, the district court should consider the legal complexity of the case, the factual complexity of the case, and the petitioner's ability to investigate and present his claims, along with any other relevant factors." Id.

At this time, the appointment of counsel is unwarranted. This case appears legally and factually straightforward; there is no indication that Petitioner is unable to present his claims and arguments to the Court; and there is no indication that his claims involve information that is not readily available to him. But because circumstances may change, the motion is denied without prejudice, and the Court will entertain future motions for the appointment of counsel, as appropriate.

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Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for the Appointment of Counsel, Doc. [3], is **DENIED** without prejudice.

Dated this 12th day of July, 2024.

SARAH E. PITLYK

UNITED STATES DISTRICT JUDGE